

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 8-14, 16 and 18-20 are currently being cancelled.

Claims 1 is currently being amended, whereby claim 1 now includes the features of claims 19 and 20 (now canceled).

Claims 21-27 are currently being added, whereby these claims correspond to presently pending claims 1-7, but written without means plus function language (so as not to be subject to 35 U.S.C. § 112, sixth paragraph).

This response adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 1-7, 15, 17 and 21-27 are now pending in this application.

Indication of Allowable Subject Matter:

Applicant appreciates the indication of allowable subject matter made in the Office Action with respect to claim 20. By way of this amendment and reply, claim 1 has been amended to include the features of 'intervening claim' 19 and 'objected to' claim 20 (with a minor amendment being made to claim 1 to remove a feature that was indicated in the Office Action as not being clear, whereby this should not affect the patentability of presently pending claim 1), and thus claim 1, as well as its dependent claims 2-7, 15 and 17, are now in allowable form based on the indications made in the Office Action. Since new claim 21 corresponds to presently pending claim 1, but rewritten without using means plus function language, and since claims 22-27 correspond respectively to claims 2-7 rewritten without using means plus function language, those claims are also now in allowable form.

Comments Re: Advice for Clearly Defining Terms In Claims:

On page 2, the Office Action recommends that the terms “first user plane” and “second user plane” be clearly defined, and that “upper position of the first and second user plane processing means” be specifically pointed out. In reply, claim 1 recites first and second user plane processing means for performing processing to control transfer of user data in relation to a mobile unit. Dependent claim 2 provides additional details in which the first user plane processing means is an active system for performing processing to control transfer of user data in relation to a mobile unit, and in which the second user plane processing means is a backup system for performing those same functions that are performed by the first user plane processing means.

Accordingly, the first and second user plane processing means are clearly defined in claim 1 (as described in detail in the specification and the drawings).

As to the “upper position of the first and second user plane processing means” feature that was recited in claim 1, that feature has been removed from claim 1, whereby that feature was meant to refer to a protocol layer. For example, as seen in Figure 1 of the drawings, the C Plane Processing Device 41 is at Layer 3, while the U Plane Processing Device 42 is at Layer 2. Thus, the C Plane Processing Device is at an upper layer with respect to the U Plane Processing Device. However, since this feature has been removed from claim 1, this is now a moot point.

Claim Rejections – Prior Art:

In the Office Action, claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0117983 to Ton et al. in view of U.S. Patent No. 6,914,878 to Lindblom et al.; and claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ton et al. in view of Lindblom et al. and further in view of U.S. Patent Publication NO. 2004/0062251 to Johansson et al. Due to the amendments made to presently pending independent claim 1 so that it now includes the features of ‘intervening claim’ 19 and ‘objected to’ claim 20, these rejections are now moot.

New Claims:

New claims 21-27 have been added. New claim 21 corresponds to presently pending claim 1, but rewritten without using means plus function language. New claims 22-27

correspond respectively to claims 2-7, but rewritten without using means plus function language. Thus, new claims 21-27 are believed to be in allowable form.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 23, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By Phillip J. Articola

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819